



REQUEST FORM **Acknowledgment Letter & Petroleum Eligibility Determination for U.S. EPA Brownfields Assessment, Revolving Loan Fund, and Cleanup (ARC) Grant Proposals (FFY14)**

All Indiana applicants to the U.S. Environmental Protection Agency (U.S. EPA) for brownfield grant funding must submit with their proposal a letter from the "State or Tribal Environmental Authority," which is the Indiana Department of Environmental Management (IDEM), acknowledging that the applicant plans to perform the proposed activities and to apply for federal grant funds. This is required for each proposal as Threshold Criteria, which are all pass/fail. Site-specific petroleum eligibility determinations must also be prepared by IDEM for proposals to address petroleum contamination. This form can be used to request both an acknowledgment letter and petroleum eligibility determination.

Only one Request Form per applicant is necessary, even if an entity is applying for more than one U.S. EPA grant. To obtain the required letter (and petroleum eligibility determination, if applicable), the information requested below must be submitted to the Indiana Brownfields Program (Program) **no later than December 30, 2013.**

When submitting your final proposal(s) due to U.S. EPA by January 22, 2014, please send an electronic copy to the Program. This is required to complete the Program's records.

***Note:** The Program recommends that applicants utilize services available through the Technical Assistance to Brownfields Communities (TAB) program <http://www.ksutab.org> for consultation on submitting competitive grant proposals and/or for review of draft proposals before submitting final proposals to U.S. EPA. To ensure adequate review time, please contact the TAB program early in your grant proposal writing process. The TAB program is funded by U.S. EPA and provides its services free of charge on a first-come, first-served basis. For more information, please contact Blase A. Leven, LG, the TAB program coordinator, at 785-532-0780, baleven@ksu.edu.*

Summary Information

Applicant:

County of applicant/site (if applicable):

Type of Grant(s):

Amount of Grant(s):

If site-specific, list site name(s) (list all known names):

If site-specific, is/are the site(s) already entered into the Indiana Brownfields Program or an IDEM remediation program?

If known, what is/are the site number(s)?

How has the applicant participated in the Indiana Brownfields Program in the past?

Date of Request Form submission:

1. Primary Contact (for questions regarding this request)

Name:

Affiliation:

Email:

Phone:

Fax:

2. **Acknowledgment Letter/Petroleum Eligibility Determination should be addressed to**
(applicant for the U.S. EPA Grant(s))
Name:
Title:
Affiliation:
Address:
Email:
Phone: Fax:
3. **Entity assembling and submitting the grant proposal to U.S. EPA** (this individual will receive the Acknowledgment Letter/Petroleum Eligibility Determination to be included with each grant proposal by U.S. mail, as well as by email or fax as requested)
Name:
Title:
Affiliation:
Address:
Email:
Phone: Fax:
4. Indicate type(s) of grant applying for, dollar amount(s) requested (excluding any state, local, or private investment or cost-share in the project), and a detailed description of the planned use(s) of grant funds. Indicate type(s) of contamination to be addressed with grant funds (e.g., petroleum, hazardous substance, and/or petroleum co-mingled with hazardous substances). For sites with petroleum contamination only (not petroleum co-mingled with hazardous substances), item #9 below must also be completed.
5. Explain community need and redevelopment/end use plans.
6. Indicate commitment to participate in either the Indiana Brownfields Program or IDEM Voluntary Remediation Program for oversight of grant-funded site activities.
7. If submitting a *site-specific proposal* to U.S. EPA, identify site name(s), location(s), status (bankrupt, tax delinquent, abandoned, inactive, etc.), including brief operational history and current use(s), as applicable.
8. If submitting a *site-specific proposal* to U.S. EPA, describe site ownership.
 - **Cleanup Grant applicants must own the site at the time the proposal is submitted to U.S. EPA.** For Cleanup Grant applicants only, if applicant does not own the site, describe plans (including timeframe) to acquire the subject site(s) by the proposal deadline.
 - **For Assessment and Cleanup Grants**, indicate whether the applicant or current owner caused or contributed to the existing contamination at the site(s).

9. ***For site-specific proposals for petroleum-contaminated sites ONLY (not petroleum co-mingled with hazardous substances):*** In addition to the above information, and per U.S. EPA grant guidelines (*see* current proposal guidelines for more context on these questions), please provide the following information so that IDEM can make the requisite petroleum site eligibility determination (*Please attach responses to this request form*):
- a. ***Current and Immediate Past Owner of the Site.*** Identify the current owner(s) and immediate past owner(s) of the site. For purposes of petroleum eligibility determinations for U.S. EPA brownfield grant funding only, the current owner is the entity that will own the site at the time of proposal submission. **For Cleanup Grants, the applicant must be the owner.**
 - b. ***Acquisition of Site.*** Identify the date and by what method the current owner acquired the property (e.g., purchase, donation, tax foreclosure, abandonment, eminent domain).
 - c. ***No Responsible Party for the Site.*** Identify whether the current owner and immediate past owner (which includes, if applicable, the applicant):
 - 1) dispensed or disposed of petroleum or petroleum product
 - 2) exacerbated the existing petroleum contamination at the site (describe any activities that resulted in a new release or creation of an exposure pathway to existing contamination)
 - 3) took reasonable steps with regard to the contamination at the site (describe activities conducted by the current owner and immediate past owner on the site, including any activities conducted in response to known contamination)If petroleum contamination is only suspected, and not known because neither the owner nor immediate past owner has conducted/is aware of any site investigation completed on the site, please indicate such.
 - d. ***Assessed or Cleaned Up by a Person Not Potentially Liable.*** Identify whether the grant applicant (either as current site owner or as a result of operating on the site):
 - 1) dispensed or disposed of petroleum or petroleum product
 - 2) exacerbated the existing petroleum contamination at the site (describe any activities that resulted in a new release or creation of an exposure pathway to existing contamination)
 - 3) took reasonable steps with regard to the contamination at the site (describe activities conducted by the applicant on the site, including any activities conducted in response to known contamination)
 - e. ***Relatively Low Risk.*** Identify whether the site is of “relatively low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using federal Leaking Underground Storage Tank (LUST) Trust Fund monies.
 - f. ***Judgments, Orders, or Third Party Suits.*** Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - (1) a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
 - (2) an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
 - (3) a citizen suit, contribution action or other third party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.

- g. *Subject to RCRA.* Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- h. *Financial Viability of Responsible Parties.* For any current owner(s) or immediate past owner(s) identified as responsible for the contamination at the site, provide information regarding whether the party has the financial capability to satisfy obligations under federal or state law to assess, investigate or clean up the site (e.g., is the party an ongoing business or company or is it defunct or insolvent? Is the party an individual?). See current proposal guidelines for resources on determining financial capability (e.g., tax returns, bank statements, Secretary of State records, Dun & Bradstreet reports, Hoover's Business Information, etc.).

Note: If no responsible party is identified in (c) or (f) above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, U.S. EPA or the state must next determine whether that party is financially viable for the activities identified in the grant proposal. If a responsible party is determined to be financially viable, then the petroleum-contaminated site may not be eligible for funding.

If you are unable to provide information on any of the above questions for a petroleum eligibility determination, then you must include a brief explanation of why the information requested above is not available.

This Request Form should be completed and submitted (via email preferably, fax, or U.S. mail) no later than December 30, 2013 to:

Michele Oertel
Federal Funding & Community Relations Coordinator
Indiana Brownfields Program
100 N. Senate Avenue
Room 1275
Indianapolis, Indiana 46204

Phone: (317) 234-0235
Fax: (317) 234-1338
Email: moertel@ifa.in.gov

Reminder: The FFY14 U.S. EPA Brownfields ARC Grant Request for Proposals and Guidelines are posted at <http://www.epa.gov/oswer/grants-funding.htm> with additional information posted at <http://www.epa.gov/brownfields/applicat.htm>. Final grant proposals, including IDEM acknowledgment letters/petroleum eligibility determinations, must be postmarked or sent via registered or tracked mail to U.S. EPA by **January 22, 2014**.

When submitting your final proposal(s) to U.S. EPA, please remember to send an electronic copy to the Indiana Brownfields Program.